

REMARKS

Claims 1-54 remain in this application. Claims 1-7, 11, 12, 14, 16, 17, 19-21, 23-29, and 31-37 have been amended. New Claims 38-54 are added. Applicants respectfully request reconsideration and review of the application in light of the foregoing amendments and following remarks.

Before addressing the merits of the rejections based on prior art, Applicants provide the following brief description of the invention. Generally, the invention relates to the control of a model train operating on a track. As known in the art, there are plural control protocols for controlling the operation of a model train. One such control protocol is referred to as the TRAINMASTER protocol, in which digital messages are communicated by the controller to the train. The digital messages define certain operating functions to be performed by the train, such as to set the running speed, blow the horn, couple/uncouple cars, emit smoke, and the like. The digital messages may be communicated to a receiver in the train using frequency shift key modulation. The TRAINMASTER protocol is used in model trains sold by Lionel LLC, the assignee of the present patent application. Another known control protocol referred to as conventional control superimposes a positive or negative DC voltage offset onto the AC track voltage. The magnitude of the positive or negative DC voltage offset determines the operating function to be performed by the train. There are other model train control protocols that are generally known in the art.

The plural control protocols are not compatible, so a model train configured for one type of protocol cannot be controlled by a controller unit configured for another type of protocol. Moreover, a train enthusiast cannot operate and control different trains on a single track layout if the trains do not share a common protocol.

The present invention solves this problem by providing a controller that can be configured to operate in any one of plural control protocols. The controller includes a switch that can be activated by the user to select a particular control protocol. The controller will then configure command messages to the model train in accordance with

the selected protocol. The cited prior art fails to suggest or disclose a model train controller having the capability of communicating in multiple command protocols. Applicants have amended certain claims to clarify these and other aspects of the invention, and also to place the claims into better form for allowance.

The Examiner rejected Claims 1-37 under 35 U.S.C. § 102(b) as anticipated by Young et al. Applicants respectfully traverse this rejection.

As discussed in the specification, Young et al. discloses a model train control system that operates in accordance with the TRAINMASTER protocol described above. Young et al. does not suggest or disclose a controller that can be configured to operate using plural control protocols. This ground of rejection should therefore be withdrawn.

In view of the foregoing, Applicants respectfully submit that Claims 1-54 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

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To the extent necessary, Applicants petition the Commissioner for a three-month extension of time, extending to December 14, 2005, the period for response to the Office Action dated June 14, 2005. Our check in the amount of \$1,135.00 is enclosed for the three-month extension of time (\$510.00) pursuant to 37 CFR §1.17(a)(3) and for the later presentation of two (2) independent claim(s) in excess of three (\$200.), pursuant to 37 C.F.R. § 1.16(b), and for the later presentation of seventeen (17) total claims in excess of twenty (\$425.), pursuant to 37 C.F.R. § 1.16(c). The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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Date: November 22, 2005

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